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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,364	11/14/2003	Ronald Ervin Brunner	018412-9004-01	1872

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EXAMINER

STORMER, RUSSELL D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,364

Applicant(s)

BRUNNER, RONALD ERVIN

Examiner

Russell D. Stormer

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/23/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of the claims the limitation of the “act of bending” lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7, 8, 10, 14, 15, 16, and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dewes.

Note the dust cup 3.

With respect to claims 10, 14, and 15, it is inherent that the method of making the wheel spindle would have included providing the shaft, forming the shaft to have an intermediate portion, and forming a dust cup on the intermediate portion since this described the structure of the spindle of Dewes.

With respect to claims 16 and 20, it is inherent that the wheel spindle would have been made by the process of providing a shaft, forming a spindle from the shaft, and forming the dust cup.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dewes.

Dewes meets all of the limitations of claim 10 as set forth in paragraph 4 above, but the dust cup is not described as being cold forged.

To form the dust cup 3 by the process of cold forging would have been obvious as such a process is well-known in the art and would have been one of several known and suitable processes for integrally forming the dust cup on the spindle.

7. Claims 5-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art figures 8-14 in view of Dewes.

The prior art figures 8-14 show a wheel spindle having an I-shaped bend and a dust cup joined to the spindle at an intermediate portion. The dust cup is welded to the spindle and therefore not formed integrally therewith.

Dewes teaches a dust cup 3 that is formed integrally with the spindle 2. The dust cup has a radially outwardly extending flange and an axially extending ridge as shown in figure 3. The shape of the dust cup is similar to the shape of the dust cup of the prior art figures 8-14. From this teaching it would have been obvious to form the dust cup of the prior art figures 8-14 integrally with the spindle in order to form a stronger assembly, or to save assembly steps, or to eliminate gaps joints which could accumulate dirt and debris.

With respect to claims 10, 14, and 15, it is inherent that the method of making the wheel spindle would have included providing the shaft, forming the shaft to have an intermediate portion, and forming a dust cup on the intermediate portion since this described the structure of the spindle of Dewes.

With respect to claims 16 and 20, it is inherent that the wheel spindle would have been made by the process of providing a shaft, forming a spindle from the shaft, and forming the dust cup.

With respect to claims 11 and 17, to form the dust cup by the process of cold forging would have been obvious as such a process is well-known in the art and would have been one of several known and suitable processes for integrally forming the dust cup on the spindle.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The references show other wheel spindles with integral dust cups or similar structures. Note the patent to Dodge which shows a spindle having a dust cup and an L-shaped bend.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (703) 308-3768. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/8/04


RUSSELL D. STORMER
PRIMARY EXAMINER 12/8/04